

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
 )  
 )  
 Plaintiff, )  
 ) Criminal Action  
 v. ) No. 13-10200-GAO  
 )  
 DZHOKHAR A. TSARNAEV, also )  
 known as Jahar Tsarni, )  
 )  
 Defendant. )  
 )

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

**EXCERPT OF DAY FORTY-THREE OF JURY TRIAL  
CLOSING ARGUMENT BY ALOKE CHAKRAVARTY  
REBUTTAL BY WILLIAM WEINREB**

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Monday, April 6, 2015  
11:32 a.m.

Marcia G. Patrisso, RMR, CRR  
Official Court Reporter  
John J. Moakley U.S. Courthouse  
One Courthouse Way, Room 3510  
Boston, Massachusetts 02210  
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Mechanical Steno - Computer-Aided Transcript

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I N D E X

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P R O C E E D I N G S

\* \* \*

The defendant brought terrorism to backyards and to main streets. The defendant thought that his values were more important than the people around him. He wanted to awake the mujahidin, or the holy warriors, and so he chose Patriots' Day. He chose marathon Monday. He chose a family day of celebration. He chose a day when the eyes of the world would be on Boston, a sporting event celebrating human achievement. He chose a day where there would be civilians on the sidewalks. And he and his brother targeted those civilians, men, women and children, because he wanted to make a point. He wanted to terrorize this country. He wanted to punish America for what it was doing to his people.

So that's what he did. He and his brother killed two young women that day. They killed a little boy. They maimed and permanently disfigured dozens of people. At least 17 amputees. At least 240 were injured. And after they did it, he coolly, not 20 minutes later, went to the Whole Foods to make sure he got the half gallon of milk that he wanted. The next day he went back down to college, joked with his friends, got a workout in. He even went back to Twitter, and he decided to tweet so that everybody knew what he was feeling.

The defendant and his brother did this together. He planted one bomb, his brother planted the other. It was a

1 coordinated attack to maximize the terror. Because that was  
2 the purpose. And after they did, they went back and they laid  
3 low. But three days later, when their faces were all over the  
4 news, they sprung back into action, and again in a coordinated  
5 style, they went back and they said they needed to build more  
6 bombs. They needed to continue with their campaign. But they  
7 needed a gun. So they went to MIT and there they saw Officer  
8 Sean Collier. They targeted him and they killed him. They  
9 tried to get his gun. They couldn't.

10 Now that their car was captured on camera, now that  
11 they couldn't get that extra gun, what did they decide to do?  
12 They needed a new car. So they drove over the bridge from  
13 Cambridge into Brighton, and there they found Dun Meng who was  
14 on the side of the road. Dun Meng in his Mercedes SUV. And  
15 Tamerlan approached from the passenger's side and brandishes  
16 the gun and carjacked the vehicle.

17 Dun Meng didn't even know that the defendant was  
18 following closely until they got to Watertown. And in  
19 Watertown they transferred some things into the car. The  
20 defendant gets into the car. What they didn't realize was that  
21 the police would track down that Mercedes so fast. And so  
22 where they had been planning to go to New York with all of  
23 their bombs, all their guns, they were instead encountered by  
24 the Watertown police. And when they did, they made their last  
25 stand.

1           And in their last stand -- you heard about it and  
2   you'll hear more about it today -- eventually Tamerlan had run  
3   out of bullets and he went and charged at the police. He was  
4   subdued. And then the defendant was all alone. And he had  
5   choices to make: He could surrender; he could keep driving --  
6   get back into the car and keep driving; he could do what his  
7   brother did and charge at the police.

8           But he chose a different path altogether. He chose to  
9   get back into the Mercedes, turn it around, use it as a weapon  
10  and try to mow down the police officers who had apprehended his  
11  brother. He hit his brother. He dragged him. He almost hit  
12  Officer Colon. And then he made his escape.

13          A short while later, about half a mile down the road,  
14  he abandoned the Mercedes and he was on foot. He was alone.  
15  He was injured. He made his way down a hill looking for a  
16  place for refuge. You heard that there were some blood marks  
17  where he was trying to find some place to hide.

18          Eventually he found the winterized boat with a tarp on  
19  it in Dave Henneberry's backyard. When he saw that, he found a  
20  place for refuge. But before he climbed into that boat he took  
21  his phones, he went behind the shed right next door, and he had  
22  the presence of mind to smash his phones, including the phone  
23  that he had coordinated the attacks with his brother with. The  
24  phone that he had used to talk to his brother after the  
25  attacks, he smashed that phone. He ditched it behind the shed

1 with his other phone and Dun Meng's bank card. And then  
2 without the help of a ladder even he pulls himself up into the  
3 boat that you all saw -- he pulls himself up into the boat and  
4 he lies down and he thinks about what he did and what he was  
5 going to do in that boat.

6 And ultimately, he did what terrorists do after they  
7 commit terrorist acts: He wanted his actions to stand for more  
8 than what people might think, so he wanted to tell the world  
9 why he did what he did. He wanted to take credit. He wanted  
10 to justify his acts. And in that boat, when the helicopters  
11 were overhead, the sirens were blaring, there were police  
12 canvassing, looking for him, he was all alone, and in his voice  
13 he chose to write something to the American people.

14 "I'm jealous of my brother who has received the reward  
15 of jannatul Firdaus (inshallah --" remember, that's the highest  
16 levels of paradise. "-- God willing) before me. I do not  
17 mourn because his soul is very much alive. God has a plan for  
18 each person. Mine was to hide in his boat and shed some light  
19 on our actions. I ask Allah to make me a shahied --" martyr  
20 "-- inshallah, to allow me to return to him and be among all  
21 the righteous people in the highest levels of heaven.

22 "He who Allah guides, no one can misguide. Allah  
23 Akbar!

24 "I bear witness that there is no God but Allah and  
25 that Muhammad is his messenger. Our actions came with a

1 message and that is La illaha illallah." That's the statement  
2 of faith you heard.

3 "The U.S. government is killing our innocent  
4 civilians, but most of you already know that. As a Muslim, I  
5 can't stand to see such evil go unpunished. We Muslims are one  
6 body. You hurt one, you hurt us all. Well, at least that's  
7 how Muhammad (peace be upon him) wanted it to be forever.

8 "The ummah," which we know is the Muslim nation, "is  
9 beginning to rise and awaken...has awoken the mujahideen," the  
10 holy warriors, "know you are fighting men who look into the  
11 barrel of your gun and see heaven. Now, how can you compete  
12 with that?

13 "We are promised victory and we will surely get it.  
14 Now, I don't like killing people innocent people. It is  
15 forbidden in Islam. But due to said, it is allowed. All  
16 credit goes to Allah."

17 You've all sat through the evidence in this case. You  
18 know it better than anyone. The evidence here speaks for  
19 itself, and so I'm going to simply present that evidence to  
20 you. Some of it. Because pictures speak louder than words,  
21 I'm going to direct you to some of the images on your screens.  
22 I have a screen here when I want to point something out to you.  
23 The evidence I'm going to show you will give you the confidence  
24 to conclude that the defendant did indeed commit each of the  
25 crimes that are charged in the indictment.



1 THE COURT: Jurors in the back row, you should get  
2 your monitors ready.

3 They're active now.

4 MR. CHAKRAVARTY: We'll start with a video of the  
5 crime itself, at least the first crime, the marathon bombing.

6 (Video recording played.)

7 MR. CHAKRAVARTY: You remember this clip from the  
8 timeline video. It was about 2:37 in the afternoon when  
9 cameras first captured footage of the defendant and his brother  
10 turning onto Boylston Street the day of the marathon. They  
11 calmly strolled down the street, each transporting the deadly  
12 contents of a pressure cooker bomb concealed in a backpack.

13 You can tell by the defendant's expressions, by the  
14 casual way he walks, that he is entirely untroubled by what he  
15 is about to do. That's because the terrorist literature and  
16 the lectures and the songs that he had been consuming for over  
17 a year had convinced him that what he was going to do was just.

18 His brother takes position down by Marathon Sports  
19 and he waits to coordinate. He's checking his phone. The  
20 defendant, on the other hand, is still up by the Forum. After  
21 all their planning and preparation, they were looking for the  
22 right place to make the impact that they wanted to make. The  
23 defendant slung his bomb over his right shoulder, appearing  
24 very much like a college student. But that day they felt they  
25 were soldiers. They were the mujahidin and they were bringing

1 their battle to Boston.

2 This is the defendant finally approaching his target.  
3 Compared to the crowd at Whiskey's, the crowd was much more  
4 dense here. There's a bar behind him, a restaurant. People  
5 are having fun. There's cheering, there's clapping. People  
6 are egging on the runners. There's a cow bell behind them.  
7 There are people coming and going. And in front of him, you  
8 can't help but see them, there's a row of children on the  
9 barricade.

10 He puts the bomb down as soon as he gets there right  
11 behind that tree. So he's on the grate. Between the tree and  
12 him there's no place for people to walk. Nobody was  
13 accidentally going to step on his bomb. And there he hovers  
14 over it, surveying the crowd, seeing the children again, seeing  
15 the Richard family. He's contemplating. He's waiting for his  
16 brother to get in position. He's thinking about what he's  
17 right about to do, about the plan that he and his brother have  
18 set in motion.

19 It's about this time, 2:48, that he checks his bomb  
20 for one last time, and then he gets ready to make his phone  
21 call to his brother to tell him that things are a go. He's  
22 making his call. Remember, ladies and gentlemen, this was a  
23 19-second call. It coordinates with his phone records. We  
24 don't know exactly what he said, but we know what he told his  
25 brother. He told him he was in position. He told him it was

1 go time.

2 He thought his cause was more important than the  
3 people around him so he picked this place because it would  
4 cause massive damage. Look at how thick the people are there.  
5 It would cause memorable damage. He picked this place. And he  
6 was waiting for his brother. He's waiting. He knows it's  
7 coming. And there it is. He waits for a moment, and then like  
8 a salmon upstream, he's on his way up, and right before he  
9 leaves the screen he turns his head. This is the defendant  
10 running away, pushing people out of the way. He's got places  
11 to go.

12 The fact that he exploded the bombs was devastating.  
13 His bomb we have the devastation on video. We didn't dwell on  
14 it during the trial but I'm going to play a short clip for you  
15 now. I'd just ask you to focus on where the Richards' family  
16 is, and I'd ask you to focus on what happens after the  
17 explosion.

18 (Video recording played.)

19 MR. CHAKRAVARTY: The defendant is over here. He puts  
20 down his phone. Bill Richard is here, Denise Richard is over  
21 here, and Martin and Jane and Henry are in front.

22 (Video recording played.)

23 MR. CHAKRAVARTY: Remember the video that Colton  
24 Kilgore shot? Remember, he was the photographer. He  
25 reflexively just started hitting "record" after the bomb blew

1 up at Scene A. He captured some of the sights and sounds of  
2 the chaos and the terror that everybody was experiencing that  
3 day. So we're going to play some of that so you can hear it  
4 for yourself and bring yourself back to it.

5 (Audio and video recording played.)

6 MR. CHAKRAVARTY: That's Rebecca Gregory. Remember  
7 how she said she was hoisted into the air, thrown back? She  
8 immediately began searching for her son, despite the fact that  
9 bones were sticking out of her hands. Clearly you see her leg.  
10 She saw terror on everybody's faces. Finally she heard her  
11 son's cries. She was placed into a medically induced coma as a  
12 result of the blast. She's had 18 surgeries. Foreign objects  
13 are still in her body.

14 Remember Shane O'Hara? He was the manager at the  
15 Marathon Sports right there? He said all he could do was hear  
16 screaming and cries. He heard someone say, "Stay with me.  
17 Don't leave me." He and others rushed to find materials for  
18 tourniquets. He said he never thought he would have to choose  
19 who to help, whose life to try to save.

20 That's Rebekah Gregory right there. And that's  
21 Krystle Campbell screaming in pain. She lies dying on the  
22 sidewalk.

23 You'll recall Sydney Corcoran, the young lady who's  
24 now a sophomore in college. She was there with her family like  
25 so many others. She told you what it feels like to feel the

1     lifeblood slipping out of your body. She said she started  
2     feeling cold, but peaceful, as the blood left her body.

3             Karen McWatters, who spent the afternoon with Krystle  
4     Campbell, described what a beautiful day it was. She posted a  
5     photo on Facebook that she and Krystle took in the public  
6     garden a short time earlier. When the bomb went off, Karen saw  
7     the smoke, the chaos, confusion. She asked herself whether she  
8     was dreaming, if this nightmare was a reality. That's Karen  
9     and Krystle.

10            Officer Frank Chiola was one of the first to respond  
11     to Krystle Campbell. He described her injuries in two words:  
12     Complete mutilation. When the explosion happened there was  
13     complete silence, he said, and then the screaming began.

14            And then there was Jeff Bauman. Bauman lost both of  
15     his legs. You could see him here with his body torn apart.  
16     And as he lay there with what remained of his legs in the air  
17     he thought very clearly, "We're under attack." And when he  
18     later woke up in the hospital, he remembered the man who placed  
19     the bomb that blew him up. It was the defendant's brother,  
20     Tamerlan Tsarnaev.

21            But nobody was able to remember the defendant at Scene  
22     B, at the Forum. That's because he blended in. To be  
23     successful, he had to lie in wait trying not to draw attention  
24     to himself. This image shows the moment after the defendant  
25     called his brother to say that they were a go a moment after

1 this. He checked on his bomb and then he made his escape. He  
2 swiveled his head around right at the last second, once he was  
3 right outside of the blast radius. This is him turning his  
4 head just to make sure he has enough space, and then the bomb  
5 goes off.

6 Alan Hern, the teacher from California, recalled how  
7 he and his family had been lined up near Martin Richard and  
8 Jane Richard and the other children. He said the injuries that  
9 he saw were something out of a war zone. He recalled finding  
10 his 11-year-old son Aaron on the ground, eyebrows singed. His  
11 legs were black. His left thigh was mangled and bloody. "It  
12 really hurts, daddy. It really hurts," he said. Aaron was put  
13 on a breathing tube. And he had zipper-like wounds down his  
14 legs, BB marks on his abdomen. They found bone fragments of  
15 someone else inside his body.

16 This is the defendant hiding behind the tree looming  
17 over the row of children behind whom he placed his bomb. It  
18 was a heavy bag. The decision must have weighed on him. But  
19 these children weren't innocent to him; they were American. He  
20 knew what the bag contained and what it was designed to do.  
21 And of all the places that he could have placed this bomb, he  
22 placed it right here.

23 He stood behind it for four minutes. We cut some of  
24 that out when we played it a moment ago. Four minutes. He  
25 watched people come and go. You heard that these children

1 never left. He decided to place it here. Bill Richard then  
2 told you what happened to his family. He told you about that  
3 morning. He told you about the fact that the marathon was a  
4 family tradition and everyone hurriedly left the house in  
5 excitement. The children had participated in the youth relay,  
6 and they were looking forward to the marathon and the ice  
7 cream.

8 Jane was six years old when the defendant tore her leg  
9 from her body. His bomb injured her all the way up from her  
10 head, behind her ear, her back, her torso, down to her legs.  
11 Bill Richard saw her through the smoke, he smelled a vile  
12 smell. He just wanted to get it off his body. You can see her  
13 on that video we just saw trying to stand but not having a leg  
14 to stand upon. Bill grabbed her and his son Henry. And then  
15 do you remember what he told us? He saw his other son through  
16 the smoke. He saw Martin Richard. He knew he was dead. He  
17 could tell just by looking at him. The defendant had killed  
18 him. He could not bear to lose Jane as well, and so he grabbed  
19 Jane. And with the help of Matt Patterson, they went to try to  
20 stop Jane's bleeding. They saved her life. Patterson, you'll  
21 recall, described Jane's leg looking as though it had just been  
22 put through a meat grinder. The defendant blinded Denise  
23 Richard, Jane's mother, in one eye. Of course he took Martin.

24 Jessica Kensky was a nurse. You'll recall she was a  
25 newlywed who wheeled herself up onto that witness stand. She

1 said the medical tent where she was taken looked like it was  
2 treating soldiers on a battlefield. They were war wounds. All  
3 she could feel was terror. Sheer terror. She heard  
4 animalistic screams. Bomb parts, pieces of steel and dirt had  
5 been blown into her body.

6 She explained that parts of her body had been blown  
7 off and she had unbearable burns. Her husband Patrick also  
8 lost a leg. Shrapnel had ripped through him, tearing apart his  
9 skin and causing infection.

10 Danling Zhou was Lingzi Lu's friend. They were also  
11 at Scene B. They were both international students who had come  
12 from China to come to Boston to study at graduate school. They  
13 chose to go to the marathon that day to experience something  
14 that was classic Boston but had the eyes of the world on it.  
15 They made a day of it, shopping, having lunch on Newbury  
16 Street, trying to get over to the Prudential Building to get  
17 Danling's phone fixed at the Apple store. And as they made  
18 their way up Boylston Street, the defendant's bomb went off.

19 This is Lingzi Lu with her hands over her face. This  
20 is Danling Zhou, whose abdomen was ripped apart. She's leaning  
21 against the railing. There's Bill Richard, Henry, Jane, Aaron,  
22 Roseanne Sdoia over here. And there are other victims.

23 Danling told you that her internal organs were  
24 spilling out of her body. She had to hold them in. She told  
25 you that the man she saw in front of her seemed like he was



1 yelling in slow motion. He didn't have a leg anymore. She  
2 looked to her friend, Lingzi Lu, who was flailing her arms.  
3 Danling thought that she was going to make it, but she didn't.  
4 The defendant killed her too.

5 Dr. Bath said it looked like people had dropped like  
6 puzzle pieces in front of the Forum. He tried to help whoever  
7 he could but it was too late for Lindsay. Her leg had been  
8 flayed open. They tried CPR. You heard Officer Woods and  
9 others cleared her airway and she vomited, but by the time the  
10 paramedics arrived, it was too late.

11 Dr. Bath was surrounded by screams, parts of limbs,  
12 tissue, burned clothing. Eventually he was able to get a  
13 tourniquet on one victim. And that's how others saved others  
14 that day. First responders and others were able to get  
15 tourniquets on people and they were rushed to the hospital.  
16 EMS Director James Hooley told you that 30 people were given  
17 red tags.

18 Do you remember the red, green and yellow tags? The  
19 red tags meant that they had life-threatening injuries, that if  
20 they didn't get to the hospital in an hour, then they would  
21 die. Fortunately, except for Krystle Campbell, Lingzi Lu and  
22 Martin Richard, all of them did make it to the hospital. And  
23 even so, the defendant and his brother maimed 17 more and  
24 injured at least 240 others.

25 After they fled the scene they decided to lay low for

1 a while. In fact, the defendant acted as if nothing had  
2 happened. He bought milk at the Whole Foods, calmly walking up  
3 and down the aisles, and he even came back a little later to  
4 replace this milk because he didn't get the one that he wanted.

5 You'll recall his demeanor, his strut walking up and  
6 down those aisles. He was just blending back in. He returned  
7 to UMass Dartmouth and decided to go to the gym, get a little  
8 workout in. This is him joking, laughing with his friend.  
9 About an hour later he finishes his workout, just hanging out  
10 with his friend.

11 After the bombing he decided to tweet about it.  
12 Remember this one? "Ain't no love in the heart of the city.  
13 Stay safe, people." How about this one? "I'm a stress-free  
14 kind of guy." Why did he choose to post these things at this  
15 time after what he had done?

16 In the days after the bombing, along with these  
17 tweets, the computer evidence and the online social media  
18 materials show you that the defendant was publicly pretending  
19 to be just like everyone else while inside, in fact, back on  
20 his computer, he was accessing the same jihad materials that he  
21 had looked at before the bombings: *Inspire* magazine.

22 In fact, on April 16th, the day after the marathon  
23 bombings, he accessed this *Inspire* magazine. This is the one  
24 that talks about how to make the pressure cooker bombs and how  
25 to make pipe bombs. This picture down here is a clip from that

1 portion that you saw that shows how to make the pipe bombs. He  
2 opened it up, and a few days later you all know that they had  
3 assembled five pipe bombs, another pressure cooker bomb and the  
4 Rubbermaid device.

5 Also on April 16th, the day after the bombing, the  
6 computer evidence shows that the defendant accessed the  
7 "Effects of Intention" document. Dr. Levitt talked about that  
8 document and he told you that the essence of that document was  
9 that if you're going to engage in jihad, you have to be sincere  
10 about it. You have to do it for God; you can't do it for some  
11 other reason. If you want to get the rewards, you have to be  
12 sincere.

13 That same day he also accessed the fall issue of  
14 *Inspire* magazine, the second issue. And in that one, among  
15 other tips about what to do in jihad, it included a declaration  
16 of Anwar al-Awlaki who Dr. Levitt told you about. And  
17 Dr. Levitt read this excerpt as he went through the writing on  
18 the boat. And this is what he said:

19 "According to these scholars, we the Muslims are not  
20 allowed to terrorize the Israelis or the Americans or the  
21 British who are living in safety and security while millions of  
22 Muslims are being terrorized by them. We are told to never  
23 mind the insecurity of the Palestinian or the Chechen or the  
24 Kashmiri. Never mind them. We are simply never allowed to  
25 terrorize, period. No. We do not agree with that. We say

1 that whoever terrorizes us, we will terrorize them and we will  
2 do what we can to strip them of their safety and security as  
3 long as they do the same."

4 And that's precisely what the defendant wrote in the  
5 boat a few days later: "Stop killing our innocent people and  
6 we will stop."

7 These were deliberate choices. These were political  
8 choices. He thought his values were more important than  
9 everyone else. He was making a statement: An eye for an eye.  
10 You kill us, we kill you. That's what he read, that's what he  
11 said, and that's what he did.

12 Witnesses described the 12-block radius that was  
13 carved out of the Boylston Street crime scene, the lockdown.  
14 The FBI and other agencies gathered evidence. They gathered  
15 pieces of pressure cookers, cloth from backpacks, shrapnel from  
16 the bombs. They also gathered photographs, surveillance video.  
17 The photos in the videos revealed that the defendant and his  
18 brother had, in fact, exploded the bombs, although the FBI  
19 didn't know who the defendant was, who his brother was. So on  
20 Thursday, three days later, April 18th, the FBI released some  
21 of the images and asked for the public's help in identifying  
22 the bombers.

23 The photos and the videos were broadcast all over the  
24 world. They were accessed millions of times on the FBI's  
25 website. A few hours later the defendant picks up the phone.

1 He speaks with his brother, and then he returned to Cambridge  
2 from UMass. Remember, he went back down to his dorm room with  
3 his friends in the intervening three days.

4 And you know that he came back because Chad  
5 Fitzgerald -- he was the FBI agent from Atlanta, who was the  
6 cell site location specialist -- he showed you that the  
7 defendant's cell phone pinged down in Dartmouth at first and  
8 then came back to Cambridge.

9 And when he came back, he had this text message  
10 exchange with one of his friends, Dias Kadyrbayev. And in it  
11 Dias asks him whether he saw the news. And he says, "Yeah,  
12 bro. I did." And Dias says, "For real?" The defendant says,  
13 "I saw the news. Better not text me my friend, LOL," or laugh  
14 out loud. "You saw yourself in there?" Dias asks. "If you  
15 want, you can go to my room and take what's there. Salaam  
16 alaikum."

17 Now that their faces were all over the news, they  
18 decided to move on with the rest of their plan. He knew he  
19 wasn't going back. He gave Dias his computer and stuff in his  
20 dorm room, including the backpack with the fireworks in them.  
21 He and his brother loaded the pipe bombs and explosive powder  
22 and the pressure cooker bomb, the CD with the jihad songs on  
23 it. They took Tamerlan's computer, that external hard drive  
24 that you heard so much about, the remaining transmitter and  
25 some identifying documents. They needed these things for what

1 they planned to do next. They were going to go to New York to  
2 continue setting off bombs.

3 Most importantly, they brought the gun that the  
4 defendant acquired from his friend Stephen Silva. But there  
5 were two of them and they needed two guns. And they only had a  
6 Ruger and that pellet gun, which you know looked real. It  
7 would probably work to stick somebody up. It couldn't kill  
8 like a real gun. So they decided to go over to the MIT campus.  
9 It's a short drive away from their house in Cambridge.

10 Chief DiFava told you about Sean Collier that  
11 morning -- that day -- excuse me -- that evening, how they  
12 chatted that evening and the chief told him to be safe.  
13 Officer Collier was working the night shift, and Sergeant  
14 Henninger had checked in with him earlier that evening. About  
15 10:20 p.m. the 911 call came in. Some gunshots, some hitting  
16 of trash cans.

17 And you know through surveillance video that the  
18 brothers were driving their Honda Civic that night. They may  
19 have actually seen Officer Collier parked next to the Koch  
20 building as they drove by.

21 There's the Koch building. They decided to walk all  
22 the way around the Koch building and approach him from the  
23 rear. They had a plan, they knew exactly what they were going  
24 to do, and they just had to execute it.

25 (Video recording played.)

1 MR. CHAKRAVARTY: They get to the car. They  
2 immediately force open the door. They stick their gun at  
3 Officer Collier, then about ten seconds you'll see Nate  
4 Harriman come by on his bicycle. There he is.

5 (Video recording played.)

6 MR. CHAKRAVARTY: The brake lights go off, then they  
7 go back on. The defendant and his brother run away.

8 This was a purposeful mission. They needed that gun.  
9 They had already agreed on how to assassinate him and they did.

10 We can't tell who shot Officer Collier. That's what  
11 we know. We know he was shot in the hand, possibly as he was  
12 reaching for the microphone, on the radio. We know he was shot  
13 twice in the head at close range. Remember Dr. Robinson  
14 explain that there was stippling in the head wounds? He was  
15 shot between the eyes. They assassinated him.

16 You also know that the brothers tried to get the gun  
17 from Officer Collier's gun belt but they couldn't. Remember  
18 when the officers arrived on the scene, they saw the gun belt.  
19 The gun itself had been smeared with blood. And they saw that  
20 the first stage of that three-part safety system had been  
21 undone. But they didn't know how to get the second and the  
22 third stage out, so they left without the gun. They had  
23 failed. They had risked being detected, they risked being  
24 caught just to get that gun because they needed it for what  
25 they were going to go do next. They wanted to go out and use

1 the remainder of the bombs that they had built. They wanted to  
2 go out in a blaze of glory.

3 So we don't know who shot Officer Collier but we know  
4 that Officer Collier's blood was found on the defendant's car  
5 keys in the Honda Civic in the ignition with the UMass  
6 Dartmouth fog. We know that Officer Collier's blood was found  
7 on the gloves that were found in the floor well of the driver's  
8 seat of that same Honda Civic that the defendant was driving  
9 that night. We know that Officer Collier was shot with the  
10 Ruger that the defendant procured from his friend Stephen  
11 Silva. And we know that Nate Harriman, as he passes them in  
12 front of the Koch building that day, makes eye contact with the  
13 defendant. And you saw the defendant had been leaning in and  
14 he comes out and he makes eye contact and then he leaves.

15 Officer Collier didn't have a chance. You heard his  
16 injuries were incompatible with life. Just think about what  
17 Nate Harriman told you. He saw the defendant leaning in. So  
18 in those few seconds the defendant probably felt Officer  
19 Collier's last breaths. He probably heard the gasping or the  
20 gurgling that his fellow officers heard a little while later.  
21 That didn't deter him any more than seeing what happened on  
22 Boylston Street deter him, because he felt what he was doing  
23 was right. He felt he was standing up for others.

24 They knew their time was short. Frustrated by their  
25 failure to get the gun, the brothers knew they needed another



1 car, and they went across the bridge and found Dun Meng.  
2 Remember how terrified Dung Meng was but how clear-headed he  
3 was, how clearly he thought through how was he going to get  
4 through this.

5 And when they got to Watertown, he'd noticed the  
6 defendant had been following him the whole way and that both of  
7 the brothers moved things from the Honda Civic into the  
8 Mercedes SUV. And then they went back into town to try to go  
9 get gas and money. Meng describes them talking to each other,  
10 like partners, in a foreign language. They were communicating.  
11 It was a team.

12 They went to the ATM in Watertown and the defendant  
13 demands Meng's PIN number. He saw the defendant coolly walk  
14 into the ATM, take out the money, money he still had in his  
15 wallet when he was arrested the next day. The defendant and  
16 his brother asked if the car can go out of state, go to New  
17 York. And Meng said that it could, in fact, go to New York.  
18 He had gone there a couple of times -- a few times.

19 But first, before they made that long drive to New  
20 York, they went back to Watertown where the Honda Civic was so  
21 they could get that CD, a CD containing those jihad nasheeds on  
22 it. Meng said it was a style of music that he had never heard  
23 before. And Dr. Levitt told you what it was. It was portable  
24 inspiration, a CD full of songs, chants.

25 Finally, they go back towards Boston. They need to go

1 to a gas station, so they stop at a gas station that the  
2 defendant knew very well. He knew it because it was across the  
3 street from Stephen Silva's house. You'll recall that he and  
4 Stephen Silva would go there and get smokes occasionally.

5 He asked Meng how much gas the Mercedes could hold,  
6 and they were going to go pay in cash. And then the defendant  
7 goes into the store to get some snacks for the long drive to  
8 New York.

9 Now, the snacks seem trivial but they show the  
10 defendant and his brother were on their way to New York for  
11 purposes of doing something. Not running away. That's Red  
12 Bull in his hand. Those are snacks in his hands. They needed  
13 their energy for the long drive and for what they were going to  
14 do when they got there. They had more bombs and they were  
15 going to use them. They were a team. You'll also notice that  
16 this hat, it was the same hat the defendant was wearing a  
17 little while earlier. They were a team. That's how they  
18 rolled.

19 But Tamerlan turned his attention to the GPS while  
20 they were waiting in the car, and that's when Meng acted. He  
21 got up -- and you saw the terror in his face, you'll see it in  
22 a second. And he ran across the street from one gas station to  
23 another. This is him pleading to call 911. And that was more  
24 significant than we might know because Meng's escape was more  
25 than just a setback for the defendant and his brother. Now the

1 police would know the car -- the new car that they were  
2 driving. So they had to go back to Watertown, they had to  
3 ditch the Mercedes, they had to get back into the Civic and  
4 then head back off to New York.

5 And they must not have expected that the police would  
6 have reacted as quickly as they did. In Watertown, Officer  
7 Joseph Reynolds was the first on-scene. Remember, he passes  
8 first the Honda that the defendant was driving, who was in  
9 front -- he was leading -- and behind him was the Mercedes.  
10 And they were driving slowly around Dexter Ave. in Watertown.  
11 Officer Reynolds passes them, calls it in, and they say, "Wait  
12 for backup before you light him up," before you hit the  
13 flashing lights.

14 But he turns around, he doesn't light them up yet, he  
15 turns around, he starts to approach, and that's when Tamerlan  
16 greets him with gunfire around through the windshield. What  
17 did the defendant do then? He didn't keep going like he didn't  
18 know what was happening. He then stopped, he got out of his  
19 car, he got in front of the Mercedes with his brother, and he  
20 took his position. They had planned this.

21 It was the brothers' last stand. They go into the  
22 bag, they pull out bombs, they pull out backpacks, the  
23 ammunition, the extra magazines, they pull out their lighter,  
24 even the pellet gun. And the police saw two sets of muzzle  
25 flashes. While one was shooting, the other was lighting and

1 throwing the bombs. Since we know that Tamerlan was shooting  
2 many of the rounds of the Ruger, we know that the defendant was  
3 the one lighting the fuses for at least two of the pipe bombs.

4 Sergeant MacLellan saw the defendant throw the second  
5 and the third bomb. Remember, he said he threw it like a hook  
6 shot as opposed to like a baseball like Tamerlan threw it. He  
7 said he threw the second bomb like a hook shot and then,  
8 remember, the pressure cooker bomb? He heaved it like this.  
9 And you all felt how heavy those are.

10 The officers probably saw the flashing of the lighter  
11 as that second muzzle flashed, but whatever the point, the  
12 defendant hurled that pressure cooker bomb, he hurled the pipe  
13 bombs. And they were in this together. Officer Reynolds  
14 screamed to Sergeant MacLellan to look out. And then Sergeant  
15 MacLellan described that explosion. He described how it shook  
16 him to his knees. How the explosion was horrendous. The plume  
17 of smoke went up about two stories. There was debris being  
18 scattered everywhere.

19 And you saw what happened to the pressure cooker bomb.  
20 It shot like a missile, embedded into that Honda where  
21 MacLellan had just been standing, where his cruiser had been  
22 crashed into that Honda. The lid of the pot had gone two  
23 stories up, into a house and into the neighbors' yard.

24 There were several pauses in the shooting, and now we  
25 know that they also had to reload. You'll recall the

1 ballistics evidence, Lieutenant Cahill. The Ruger shot 56  
2 rounds that they collected, the casings that they collected.  
3 And the three magazines that they had with them, the  
4 extended-capacity magazine and the other two magazines, between  
5 them could hold 38 rounds. That means they were refilling  
6 these magazines and reloading the gun. And it also explains  
7 why the defendant's fingerprints are on the ammunition box and  
8 also why there was a half-filled magazine in the Mercedes that  
9 they -- that the defendant used to escape.

10 They were partners. Each one was doing their part.  
11 This shows the defendant either crouching or getting ready to  
12 throw one of the pipe bombs. James Floyd: Remember, he was  
13 one of the neighbors there? He was the one with the newborn.  
14 He had to take the newborn to the back of the house for safety.  
15 And he comes back and he looks out the window. And he said  
16 they were -- both of the brothers were ducking in and out. You  
17 could barely distinguish the two. But he did know that it was  
18 the defendant who pulled something out in a bookbag and he  
19 threw it. And he showed us.

20 Sergeant Pugliese, who had been flanking, came from  
21 this direction. He felt the debris falling on him. When he  
22 emerged from that house, behind that fence, he took aim and he  
23 shot at Tamerlan, first directly and then he tried to skip shot  
24 him underneath to try to get him at the ankles.

25 He got Tamerlan's attention, and Tamerlan turned to

1 him and tried to shoot him, and he missed him every time. And  
2 after he ran out of bullets, he threw the gun and he charged up  
3 the street at the police officers. Tamerlan at that point was  
4 done. He wanted to commit suicide by cop. He was ready to get  
5 to heaven.

6 While the defendant -- while Tamerlan was ready, the  
7 defendant had other plans. He was still behind the Mercedes.  
8 And like I said, he didn't go with Tamerlan. He didn't go the  
9 other way. He didn't just give up. He got back into the car,  
10 he turned it around, and then James Floyd told you what he saw  
11 and what he heard. Despite the fact that there was no one in  
12 front of him and he could have escaped, Floyd said that he  
13 floored it. He turned around and he floored it. He really  
14 floored it -- the engine roaring -- and he made a beeline for  
15 where Tamerlan and Sergeant Pugliese and Sergeant MacLellan and  
16 Officer Reynolds were.

17 The defendant drove from the right side of the road  
18 straight for them. They got out of the way just in time, as  
19 you saw. The defendant hit the brother, he dragged him down  
20 the street. When he hit Officer Reynolds' cruiser, almost  
21 striking Officer Colon, Officer Colon saw him. Remember, he  
22 saw him driving like this. The defendant still had the  
23 presence of mind to avoid the gunfire as he was making his  
24 escape and as he was aiming for the police.

25 Now, at some point during that escape, the defendant

1 got shot. We know because he was bleeding sometime later. And  
2 as the police finally subdued Tamerlan, they realized that  
3 Officer Donohue had also been shot. Remember Dr. Studley  
4 described that he had lost all of his blood by the time that  
5 she was treating him. Amazingly, she and others brought him  
6 back, and but for the defendant's actions, carjacking this  
7 vehicle, the defendant and his brother, that chain of events  
8 would not have happened and Officer Donohue would not have been  
9 shot. He would not have been seriously injured. That's why  
10 it's charged in the indictment, as a result of the carjacking  
11 caused serious bodily injury. And that's what happened here.

12 The defendant abandoned the Mercedes, leaving the  
13 Rubbermaid bomb and the other items in it as he fled. And  
14 since he made the decision to drive the police [sic], he knew  
15 now that he was all alone. His brother was gone. He was  
16 injured. He made his way down that hill.

17 The blood marks you heard, there were some on a  
18 bathroom door, on a shed, on a car, and then on the boat  
19 itself. David Henneberry's boat, the Slip Away II. The  
20 defendant could not have imagined that this was where he was  
21 going to write his prophetic statements to the world.

22 But before climbing in, he wanted to do that one last  
23 thing. Remember, he had two phones. He had that burner phone,  
24 we call it, which he had just activated that SIM card on that  
25 Sunday before. He put the SIM card in and he used that phone

1 to talk to his brother about planning the bombing, executing it  
2 and then what happened after.

3 His other phone was the phone he used all the time.  
4 It was the phone he was using to talk to his friends. It was  
5 the phone that he was using to surf the Internet, to read  
6 documents. At his age, he lived on that phone. Even in the  
7 video you see him, you see him always fumbling with his phone.

8 So he had the presence of mind at that stage to smash  
9 those phones beyond recognition. He knew those phones could  
10 track him, and he knew by smashing those phones neither the  
11 FBI, the state police, the Boston police or Watertown nor  
12 anybody was going to be able to extract the data that would be  
13 useful in the investigation. He takes Dun Meng's card and he  
14 throws it down there. That's Dun Meng's card, that's the  
15 phone, both phones pulverized.

16 He was in the boat for a while. And after pulling  
17 himself in, he pulled out a life preserver. You saw some of  
18 the pictures and you saw the boat. He tried to get  
19 comfortable. And he laid there probably thinking he wouldn't  
20 survive. He had been hurt. And in those moments of all of the  
21 things in the world to say, he chose to write that declaration  
22 we saw. He chose to justify what he did.

23 But even after writing those words, that well thought  
24 out, cohesive narrative, he still was angry. People were  
25 looking for him, he was hiding in this boat, and he was still



1     angry. He was so angry he had to get something. And he had  
2     etched into boards on the slat. As if his note wasn't clear  
3     enough, he had to emphasize it. "Stop killing our people and  
4     we will stop."

5             He was negotiating the terms of death with America.  
6     This is what the defendant was thinking after all he had done  
7     that week. In the evening, David Henneberry noticed the blood  
8     on his boat. He investigated and saw the defendant lying in  
9     it. Minutes later, he was surrounded. At one point the police  
10    shot at the boat, not knowing whether the defendant was armed,  
11    whether he still had any bombs on him. They threw flash bangs  
12    then, hoping -- convincing him to give up, and eventually he  
13    was arrested.

14            The investigation of the defendant and his brother  
15    lasted two years. You saw that he first started accessing the  
16    *Inspire* magazine when they were in -- approximately Christmas  
17    of 2012. We know both the defendant and his brother were  
18    radicalized to believe that jihad was the solution to their  
19    problems.

20            We know that both of them participated in the bombing,  
21    the murder of Officer Collier, the carjacking, the robbery of  
22    Dun Meng, the standoff with the police in Watertown. The  
23    fingerprint evidence showed the defendant's prints in many  
24    places that you would expect them: On the driver's side of the  
25    Honda that he was driving, on the radio where he was listening

1 to his nasheeds. His prints are on the gas tank of the  
2 Mercedes where he tried to fill it up with gas. They are also  
3 on the front passenger quarter where he, as you see in that  
4 picture, was holed up, taking cover in the shootout. They're  
5 also on the nasheed CD that was found in the radio of the  
6 Mercedes. His prints are on the ammo box that were found on  
7 Laurel Street. They're on the Rubbermaid bomb that was found  
8 in the back of the Mercedes. They're also on that pellet gun.  
9 Tamerlan also left prints where you would expect them.

10 But the defendant was more careful. Unlike Tamerlan,  
11 the defendant had led a double life. To the outside world he  
12 showed one face and inside he harbored another. He was  
13 careful, just like *Inspire* magazine had taught him to be.

14 Explosive technicians examined every piece of evidence  
15 found in Watertown and on Boylston Street and tried to  
16 re-create how the devices were made. You saw that. Who knew  
17 that making a bomb was so easy? Well, the terrorists. The  
18 publishers of *Inspire* magazine. That's who knew. And they  
19 were just hoping, they were wanting, they were asking for some  
20 young terrorist to come by and to use their instructions. And  
21 that's what the defendant and his brother did.

22 You heard how there was no explanation for how and  
23 where all the pounds of explosives that were necessary to build  
24 all these bombs, where they were purchased or where they were  
25 built. You heard that there was some trace explosives in the

1 apartment in Cambridge, at 410 Norfolk Street, and there were  
2 intact fireworks down at the dorm room in Dartmouth. But given  
3 how much explosives were necessary, much more was expected.

4 Many of the materials that were consistent with those  
5 that were used to construct the devices were found at the  
6 Norfolk Street apartment where Tamerlan and his family lived  
7 and the defendant would visit from time to time, where he had  
8 grown up. Some of those materials were found conspicuously in  
9 the defendant's bedroom there, where he had spent the weekend  
10 before the bombing.

11 There was the construction paper -- the red  
12 construction paper, the caulk gun, the gun-cleaning equipment.  
13 You also know that from the swipe card data from UMass  
14 Dartmouth that he hadn't been down at UMass for days before the  
15 bombing.

16 It's clear that both the defendant and his brother  
17 were partners. They both handled the bombs. The evidence  
18 shows that the defendant and his brother transported, placed  
19 and exploded the bombs on Boylston Street and in Watertown. In  
20 addition to the eyewitness testimony, people like James Floyd  
21 and Sergeant MacLellan, we know that the defendant committed  
22 these crimes, threw the pipe bombs, the big pressure-cooker  
23 bomb in Watertown.

24 The brothers prepared for their attack. They also  
25 coordinated with each other, as partners do. The investigation

1 revealed that the pressure cookers were probably bought at  
2 Macy's; for the January 31st, purchased from the Square One  
3 Mall in Saugus. It was probably Tamerlan although there is no  
4 video and it was a cash purchase. But who was he texting just  
5 before making that purchase? Who was he talking to earlier  
6 that day? The defendant.

7 Tamerlan bought the backpacks on that Sunday  
8 afternoon, the day before the bombing. That same afternoon the  
9 defendant went somewhere else to buy that SIM card for his  
10 phone. It may have been Tamerlan who bought BB's up in New  
11 Hampshire, but there was a box of BB's in the defendant's dorm  
12 room down at Dartmouth.

13 Tamerlan bought the remote control car parts on the  
14 Internet, first from Flysky, and then at the other -- RC Hobby  
15 Car shop for the Spectrum set. And that was a week before the  
16 bombings. By that time, a week before the bombings, the  
17 defendant and his brother were fully engaged in their  
18 conspiracy to plant these bombs. They knew what they were  
19 going to do. In fact, the same day as that transmitter  
20 purchase, the defendant tweeted this: "If you have the  
21 knowledge and the inspiration, all that's left is to take  
22 action."

23 They each had their roles. Around the same time that  
24 Tamerlan was ordering that first transmitter, the defendant was  
25 ordering up a gun from his friend Stephen Silva. Stephen Silva

1 had just come in to a gun, and he said he could let the  
2 defendant borrow it for what the defendant said, so he could  
3 rob a couple of University of Rhode Island students.

4 Remember Silva's testimony? Silva had known him since  
5 he was a kid. Silva couldn't imagine that the defendant was  
6 capable of doing something like this, but he didn't know the  
7 jihadi side of the defendant. He took the defendant at his  
8 word when in January or February he asked for the gun for the  
9 robbery. The defendant also had asked him for the food for the  
10 dog, which was a reference to the ammunition for the gun.

11 And obtaining this gun was the key that the defendant  
12 and his brother needed for what happened after the bombings.  
13 Without this gun, they wouldn't have been able to kill Sean  
14 Collier. Without this gun, they wouldn't have been able to  
15 hold up Dun Meng. Without this gun, they wouldn't have been  
16 able to shoot at police officers in Watertown. The defendant  
17 had done his job well.

18 Silva didn't know that in March, spring break, the  
19 defendant and his brother went back up to New Hampshire to go  
20 to the gun range up there. There they practiced shooting 9  
21 millimeters. The defendant paid, and for an hour the two of  
22 them spent about \$170 just shooting. It's easy to wonder what  
23 they were imagining were targets as they were shooting.

24 But in this case, ladies and gentlemen, we don't have  
25 to wonder. We know that they were imagining police officers

1 because that's what they used -- that's what they used the gun  
2 to actually shoot at.

3 We've seen other evidence of the defendant's double  
4 life. There were sides of himself that he did not show to his  
5 friends. Around them, Stephen Silva told you, he was well  
6 liked, he would smoke pot, he was cool, he was laid back, but  
7 there were signs of another side to him.

8 Silva mentioned one time the defendant called him an  
9 infidel or a kafir, another where the defendant got pissed off  
10 when Silva called him a Russian refugee. Silva rarely visited  
11 him at his house. The defendant spent most of his other life,  
12 the other side, the jihadi side, in the privacy of his bedroom,  
13 sometimes with his brother, sometimes with his headphones on.  
14 There he descended into violent Islamist extremism.

15 The computer evidence showed you that since 2011, well  
16 before the missing thumb drive that you heard about, he had  
17 been accessing these jihad nasheeds and other inspirational  
18 media on his laptop. The defendant got the stuff, he read the  
19 stuff, he believed the stuff, and he acted on it. That's what  
20 the computer evidence shows. He assembled a library. Some of  
21 it Tamerlan gave him; some of it he gathered himself. The  
22 defendant would put his headphones on and lose himself in the  
23 chants, the lectures, the music of jihad. He escaped when he  
24 put that music on. And that's why he put it on all of his  
25 phones, his iPods, his computer, all without his brother.

1           In fact, even after his brother left for Russia, the  
2 defendant was accessing jihadi materials on his computer. He  
3 was accessing Anwar al-Awlaki. That's why he went back to  
4 Watertown to grab that CD of jihad -- nasheeds CD -- nasheeds  
5 on that CD before they headed to New York. They were doing  
6 this together, just like other terrorists. They had decided  
7 that justice for them meant they were becoming holy warriors.

8           The defendant's radicalization started years before,  
9 perhaps even in high school. But you saw that no matter when  
10 it started, by the time it was Patriots' Day of 2012, the year  
11 before the marathon bombings, the defendant had completely  
12 internalized Anwar Awlaki's message. He posted this quote:  
13 "They will spend their money, and they will regret it, and they  
14 will be defeated." Now, none of his friends would know what  
15 this means unless they, too, had listened to Anwar Awlaki.  
16 That day, he went to the marathon with his friend.

17           Later, he accessed some of the jihadi materials on his  
18 computer. And on Christmas break of 2012, the Christmas before  
19 the bombings, he accessed the *Inspire* magazine with the  
20 bomb-making instructions on the desktop computer in his bedroom  
21 at 410 Norfolk. The computer evidence shows that this complete  
22 file, which is the file of that first *Inspire* magazine, was  
23 accessed on December 23rd, again on December 26th, and we know  
24 he was accessing his own email on that computer.

25           Of course we also know that he and his brother were

1 planning something then because he said so. This -- sorry.  
2 The cell site location also showed that he was at the dorm room  
3 -- excuse me, at the 410 Norfolk Street around Christmas of  
4 2012. This is Chad Fitzgerald.

5 He even said that he was doing something with  
6 Tamerlan -- this is Christmas Day back in 2012 -- doing  
7 something with Tamerlan. "I'll hit you up in a bit, bro."  
8 Later, talking to that same friend, he explains that he wants  
9 to bring justice for his people. This is his mind-set at that  
10 time.

11 Later, talking with the same friend in January, he  
12 says, "There's one other option, bro. Get the highest level of  
13 Jannah." His friend asks whether it's jihad. He says that  
14 he's really down with the jihad way of life, and the defendant  
15 said, "Don't be hot over the phone. LOL. Be for that, man."

16 Then finally he says here, January 28th, "I got a  
17 plan. I'll tell you later about it."

18 He was conscious of the fact that law enforcement may  
19 have actually picked up on his conversation. He was careful.  
20 That's what you do when you live a double life. What they were  
21 doing together was starting their plan to bomb the Boston  
22 Marathon. What they were doing together was planning to get a  
23 gun. What they were doing together was getting ready for what  
24 unfolded.

25 During that time, the defendant starts accessing more



1 websites related to this extremist material, and he creates  
2 another alter ego online. He creates this -- another Twitter  
3 account called Ghuraba. You heard that means stranger. In  
4 fact, he says it right here. "Ghuraba means stranger. Out  
5 here in the West, we should stand out among the non-believers."

6 He talks about the infidels and getting victory over  
7 them. He talks about the weapons of the believers. And he  
8 talks about Anwar al-Awlaki, and he encourages people, his  
9 followers, to listen to Awlaki's Hereafter series. It worked  
10 on him. He said he strives to reach Jannah, or paradise.

11 We saw from the defendant's computer witness that  
12 around March of 2013 it was the defendant who was accessing  
13 Awlaki files on that portable hard drive that was found in  
14 Watertown. He wished the Silva twins a happy birthday at the  
15 beginning of April, he picked up some pot and then he retreated  
16 to the place where he found comfort, with his headphones on,  
17 with his brother, in his bedroom at 410 Norfolk, his black flag  
18 on the wall. He had found the solution for his failures. He  
19 had opportunities to make different choices along the way.  
20 These are the choices that he made, and that's why we're here.

21 Now, you won't be surprised to know, as the judge  
22 already explained to you, that blowing up bombs at the Boston  
23 Marathon and the other places is a violation of several federal  
24 laws. And the more bombs, the more charges. And while the  
25 verdict slip may be long and sometimes confusing, you should

1 not be intimidated. Each of the elements are straightforward,  
2 and the crimes are, in the end, pretty simple.

3 Although the defendant's charged with 30 counts, 30  
4 different crimes, many of them overlap. You heard from the  
5 instructions how some of them overlap, and they interrelate to  
6 each other. There are really only six sets of charges. They  
7 involve different crime scenes and different acts.

8 Many of the charges are interrelated, so that, for  
9 example, using a bomb with a firearm together might be a  
10 separate charge than just using the bomb or just using the  
11 firearm. And using either of those, the bomb, which is  
12 technically called a firearm, in the course of one of the  
13 conspiracy charges, the conspiracy to use a weapon of mass  
14 destruction, conspiracy to bomb a place of public use, and the  
15 other conspiracy charge, that each of those is -- also  
16 constitutes a crime.

17 Some of the charges involve a conspiracy, and the  
18 judge explained that to you, and it's basically when two or  
19 more people agree to do something that the law forbids. That  
20 itself is a crime. You don't actually have to go through with  
21 it. If you plan to do it, then just that agreement becomes the  
22 crime.

23 In this case, there are three sets of crimes --  
24 conspiracy crimes. And they relate to the entire chain of  
25 events, from the beginning to the end, because this was a

1 terrorist conspiracy; they were trying to inflict terror. The  
2 agreement was between the defendant and his brother to engage  
3 in this terrorist bombing campaign.

4 And this chart helps you explain -- helps kind of  
5 graphically represent how you might want to think about this.  
6 I'd suggest to you the best way -- the best tool that you're  
7 going to have as you deliberate is the verdict slip itself. It  
8 lays things out in a step-wise manner. You can answer one  
9 question, then move to the next. And it tracks the language in  
10 the indictment. And you can use that as a guide.

11 But just so you have a graphic representation on how  
12 to compartmentalize from 30 charges down to about six, put them  
13 in this mode. The last conspiracy was maliciously destroying  
14 property.

15 The first set of counts involves the marathon bombing.  
16 Judge O'Toole told you that the conspiracy is one way to find  
17 liability, and the other way is to find through something  
18 called aiding and abetting. When two people who do a crime  
19 together, where each has a different goal but they both intend  
20 to do the same crime and act in accordance with that plan, that  
21 they're equally guilty in the eyes of the law. And that's why  
22 the defendant is guilty for the crimes in front of Marathon  
23 Sports just as much as he is for those in front of the Forum.

24 Each of the two bombs at the marathon killed and  
25 caused grave risk of harm. Each were weapons of mass

1 destruction and technically constituted what are called  
2 firearms.

3           There's one other element that may not be  
4 self-evident, and the judge touched on it, and that's that the  
5 place of public use must affect interstate commerce. Clearly  
6 the stores, Marathon Sports and Forum, affects interstate  
7 commerce. The marathon itself interstate -- affects interstate  
8 commerce. And "interstate commerce" basically means that  
9 they're in the stream of commerce. And that, as you can  
10 imagine, is an element because this is federal court.

11           For some of the other crimes, the interstate commerce  
12 element will also come in. That's why -- one of the reasons  
13 you heard that there was a stipulation that the Mercedes, Dun  
14 Meng's Mercedes, that that too had traveled in interstate  
15 commerce, because as part of the carjacking you have to find  
16 that that had traveled in interstate commerce.

17           You also heard that the Ruger, the gun, was  
18 manufactured out of state, so that too traveled in interstate  
19 commerce, again because of one of these elements. And then  
20 finally, the ATM card, going in and taking money out of Dun  
21 Meng's ATM bank account, which was connected to all the other  
22 banks in the country and around the world, that too affected  
23 interstate commerce. That's why that information was presented  
24 to you.

25           So the first set of charges, the overall conspiracy;

1 then scene A, these are the substantive counts; then scene B,  
2 these are the substantive counts at the Forum.

3 Then there are the charges of the murder of Sean  
4 Collier, Counts 16 through 18. Those involve using the firearm  
5 in order to commit the crime of violence. They're based on the  
6 fact that in the course of the conspiracy they used that gun so  
7 that they could continue their campaign of terror. And since  
8 we've said from the beginning it doesn't matter who pulled the  
9 trigger, both the defendant and his brother are equally guilty  
10 of committing this crime.

11 Third, you have the use of the -- to skip over the  
12 robbery for a second, you have the use of the gun and the bombs  
13 in Watertown. These are the charges related to how this  
14 defendant and his brother tried to kill the police officers in  
15 Watertown. It's hard to imagine how Officer Donohue actually  
16 survived and how more officers weren't injured, but for each  
17 pipe bomb that had exploded, the pressure cooker bomb and the  
18 use of the Ruger -- each of those provides a basis for another  
19 criminal charge.

20 And you'll see that these crimes, as you'll see in the  
21 verdict slip, they're couplets. So when you use one of  
22 these device -- a firearm in the course of committing another  
23 crime of violence, then that itself is a crime, and that's why  
24 you'll see two pairs of charges for each of those for  
25 Watertown.

1           And then finally, the robbery of Dun Meng. He was  
2 charged with carjacking Dun Meng's car, and the fact that  
3 Officer Dick Donohue was seriously injured as a result of that  
4 carjacking.

5           Many of the charges involve the use of a firearm, one  
6 of the bombs and the Ruger, in conjunction with the other  
7 charges that I mentioned. Because of this, you'll have to go  
8 through and assess whether each of the bombs that exploded was  
9 used and whether the Ruger was carried, brandished -- which the  
10 judge explained means shown -- or discharged, because the  
11 evidence in this case is that all of those things happened.  
12 Even though these charges capture similar conduct, they involve  
13 different elements, and for that reason, the defendant is  
14 guilty of those crimes as well.

15           The defendant and his brother teamed up to terrorize a  
16 region in 2013. They bought bags full of bombs, planned to  
17 kill even more, and by the end, they had murdered four people,  
18 they had maimed 17, and they wounded hundreds, more than 240  
19 others. Martin William Richard, Krystle Marie Campbell, Lingzi  
20 Lu, and Officer Sean Collier are no longer with us. This is  
21 the result of the defendant's choice to be a terrorist hero, to  
22 make a statement. These were choices that he was proud of, and  
23 it devastated the lives of those who survived.

24           This is how the defendant saw his crimes.

25           (Audio and video recording played.)

1 MR. CHAKRAVARTY: But this is the cold reality of what  
2 his crimes left behind.

3 (Photographs displayed.)

4 MR. CHAKRAVARTY: Officer Collier was shot five times,  
5 at least three shots in the head, two from close range. One  
6 shot was between the eyes. He died of his gunshot wounds.

7 Krystle Campbell received massive blast injuries to  
8 her lower extremities. Parts of her body were shredded from  
9 the bomb. She lived for up to a minute while the blood seeped  
10 out of her body onto the pavement. She told her friends that  
11 her legs hurt, and she died from loss of blood.

12 Lingzi Lu received mass injuries all over her body.  
13 She didn't even plan to be there on that day. Her leg was torn  
14 open, transecting her blood vessels. She bled out as emergency  
15 responders performed CPR on her.

16 And Martin Richard. His entire body was shattered.  
17 It was broken, eviscerated, burned. There wasn't a part of  
18 this boy's body that wasn't destroyed.

19 You'll probably never forget Bill Richard. At one  
20 point he said, as only he could, "I guess we were just unlucky  
21 that day." But there was nothing about this day that was a  
22 twist of fate. This was a cold, calculated, terrorist act.  
23 This was intentional. It was blood thirsty. It was to make a  
24 point. It was, "Tell America that we will not be terrorized by  
25 you anymore. We will terrorize you. We will punish you."

1           The Richard family happens to pass -- their path  
2 happened to cross the defendant's that day, and the defendant  
3 made them pay. He was there to punish.

4           Each of the 30 criminal charges capture the criminal  
5 conduct that the defendant and his brother did. The defendant  
6 ran away from Boylston Street. He ran away from Officer  
7 Collier's killing at MIT. He fled the scene in Watertown, and  
8 he hid in that boat, and he penned his last justification,  
9 taking credit and being proud of what he had done.

10           Now, ladies and gentlemen, finally, it's the time to  
11 hold him accountable, to find him responsible for each of the  
12 charges in the indictment. We ask you to do that now.

13           THE COURT: I think, in light of the hour, we'll take  
14 a lunch recess at this point.

15           So, jurors, we'll take the lunch recess as normal.  
16 We'll resume, I guess, at two o'clock to give everybody  
17 comfortable time.

18           Please no discussion of the case, obviously, until  
19 you've heard the rest of what we have to present today. And  
20 I'm sure you'll find other things to talk about and engage your  
21 interest during the lunch. Enjoy the lunch, and we'll see you  
22 at two o'clock to continue the matter.

23           THE CLERK: All rise for the Court and the jury. The  
24 Court will take the lunch recess.

25           (The Court and jury exit the courtroom and there is a



1 recess in the proceedings at 12:53 p.m.)

2 \* \* \*

3 (The closing argument by Judy Clarke for the defense  
4 is under separate cover.

5 The rebuttal by William Weinreb on behalf of the  
6 government is as follows:)

7 \* \* \*

8 MR. WEINREB: So now you've heard the defense all  
9 spelled out for you. The defendant may be guilty, but his  
10 brother is even more guilty. The thing is, that's not a  
11 defense. That's just the defendant's effort to dodge full  
12 responsibility for what he did.

13 Ms. Clarke told you in her opening statement that the  
14 defendant wasn't going to try to sidestep responsibility for  
15 what he did in this case, but that is exactly what he is trying  
16 to do. His defense is that his brother was the real criminal  
17 and he was just going along to get along; that his brother did  
18 mostly everything, he was just present.

19 Now, there's nothing wrong with him making that  
20 argument. He's entitled to try to pin the blame on somebody  
21 else if that's what he wants to do. But you should see that  
22 for what it is. It's an attempt to sidestep responsibility;  
23 not to take responsibility.

24 It's up to you to hold the defendant fully  
25 responsible. You should find him guilty because he is guilty.

1 His own actions make him guilty. And the things that his  
2 brother did on his behalf also make him guilty. Don't be  
3 distracted by arguments about what the defendant did versus  
4 what his brother did. It makes no difference. They were  
5 partners in crime. These crimes were a two-man job. Each one  
6 of them had a role to play, and each one of them played a  
7 critical role in each of the crimes. They were  
8 co-conspirators. They were partners. And that makes them  
9 equally guilty of what they did.

10 Let's take the death of Officer Collier. Ms. Clarke  
11 said that Tamerlan Tsarnaev is the one who shot him. But  
12 there's no evidence of that in this case. That is a perfect  
13 example of an effort to sidestep responsibility; not to take  
14 responsibility.

15 The video doesn't show who fired the fatal shots, but  
16 it does show that the defendant and his brother walked right up  
17 to that car. They approached it from behind, they walked right  
18 up to the door, and they yanked it open. They knew exactly  
19 what they were going to do. They must have planned it ahead of  
20 time. It was a cold-blooded execution. And they couldn't have  
21 done it without the defendant's Ruger.

22 The defendant leaned his whole body into the car, and  
23 that's what Nate Harman saw less than ten seconds later when he  
24 rode by on his bicycle. He said he saw the defendant leaning  
25 all the way inside, as if he were trying to get something. The

1 defendant had either shot Officer Collier or was trying to get  
2 his gun or both.

3 Officer Collier's blood was on the defendant's  
4 keychain, the one he was using to drive the car that night, and  
5 the gloves with Officer Collier's blood on them were at his  
6 feet, the feet of the driver's side where he had been driving  
7 the car.

8 There should be no doubt in your mind that the  
9 defendant and his brother are equally guilty of shooting  
10 Officer Collier, no matter who pulled the trigger.

11 Ms. Clarke says that Tamerlan Tsarnaev confessed to  
12 the killing when he said to Dun Meng, "You heard about  
13 the -- you know about the murder at MIT? I did that." Well,  
14 what else was he going to say? He was the only one talking to  
15 Dun Meng. Dun Meng didn't even know there was another person  
16 in the picture.

17 She points out that Tamerlan Tsarnaev's prints were on  
18 the cartridge in the gun, as if that proved that he's the one  
19 who shot Officer Collier. But Dun Meng told you that when  
20 Tamerlan pointed the gun at him, he pulled the cartridge out of  
21 the gun to show it to him, to show him that the gun was loaded,  
22 and that happened after the murder of Officer Collier, that's  
23 when his fingers were on that cartridge, that you know about.

24 She also pointed out that he searched the word "Ruger"  
25 on the Internet, but he didn't search that until March of 2013,

1 and the defendant had already gotten the gun in January or  
2 February.

3 My point here isn't to try to prove to you that Jahar  
4 Tsarnaev pulled the trigger, because as we told you candidly  
5 from the beginning, we don't know who pulled the trigger. My  
6 point is simply to point out that this is all an effort to  
7 dodge responsibility; not to take responsibility. It's an  
8 effort to keep trying to point the finger at somebody else,  
9 even if there's no evidence of it, because the truth is the  
10 defendant isn't here -- isn't trying to accept responsibility  
11 for what he did; he's trying to avoid full responsibility for  
12 what he did.

13 Let's take Watertown as an example. According to  
14 Ms. Clarke, the evidence shows that Tamerlan Tsarnaev fired  
15 every bullet out of that Ruger at the police in Watertown. But  
16 is that really what the evidence shows? It seems unlikely.  
17 After all, the Ruger belonged to the defendant. He, just a  
18 month or two earlier, had paid \$150 up at the Manchester firing  
19 range with his brother to practice firing a 9-millimeter  
20 pistol. And when he did that, he listed himself as an  
21 intermediate-level shooter. He helped kill Officer Collier in  
22 order to get a second weapon. It's obvious that both of them  
23 intended to be firing guns that night. That was the whole  
24 point of killing Officer Collier. That's the whole point of  
25 training to use the Ruger.

1           Sergeant MacLellan, and James Floyd, the civilian you  
2 heard from, both testified they were 100 percent sure that both  
3 the defendant and his brother were throwing bombs, and it makes  
4 sense that when one of them was throwing bombs, the other one  
5 was providing cover with the Ruger.

6           But does it really matter? Does it really matter  
7 whether both of them were shooting the gun? Even if Tamerlan  
8 Tsarnaev was holding the Ruger the entire time, the defendant  
9 was clearly doing his part. He was lighting bombs and throwing  
10 them in an effort to kill the police officers, or at least to  
11 keep them at bay. He threw the pressure cooker bomb. Have no  
12 doubt about that. He was getting ammunition out of the bag to  
13 reload the Ruger, and you know that because his fingerprints  
14 were found on the ammunition box. In Watertown, just like at  
15 the marathon, just like during the kidnapping of Dun Meng, the  
16 defendant and his brother were full partners. They are equally  
17 guilty.

18           And think about -- more about Watertown, something  
19 that Ms. Clarke didn't even mention to you. The three-point  
20 turn the defendant made after his brother had already been  
21 tackled and was on the ground. He tried to kill three police  
22 officers by running over them. The Mercedes was pointed in the  
23 other direction, away from the officers. He could have just  
24 driven that way and escaped. But instead, he made a U-turn,  
25 and he floored it, driving directly at those officers.

1           And why did he do it? He did it in the hopes of  
2     killing three more police officers and almost doubling their  
3     body count. Once again, the defense doesn't want you to  
4     believe that. They don't want you to focus on that because it  
5     doesn't fit in with their portrait of the defendant as just a  
6     passive follower. But when the defendant attempted those  
7     murders, Tamerlan was out of the picture. The defendant was  
8     acting entirely on his own. It shows you how independent he  
9     was. It shows you how personally committed he was, so  
10    committed that he was willing to run over his own brother in  
11    order to kill a few more police officers before it was all  
12    over.

13           Let's talk about the carjacking and the robbery. It's  
14    true, according to Dun Meng, Tamerlan Tsarnaev did most of the  
15    talking in the car, but the defendant, as always, played a  
16    crucial role. When the time came, he's the one who demanded  
17    Dun Meng's ATM card and robbed him of \$800. That money was  
18    still in his wallet the next day. And it wasn't until the  
19    defendant left the car that Dun Meng was able to escape. Like  
20    all the other things the brothers did that night, this was a  
21    two-man job. They needed both of them to pull it off, and the  
22    moment the defendant was out of the picture, the plot fell  
23    apart. Tamerlan wasn't able to do it on his own. He needed  
24    his brother's help. And the defendant, he needed Tamerlan's  
25    help. That's what it means to be partners.

1           Who built the pressure cooker bombs and the pipe  
2 bombs? The defense says it was entirely Tamerlan, but the  
3 evidence suggests otherwise. Both brothers had the  
4 instructions for building the bombs on their computers. You  
5 heard that a lot of explosive powder was needed to build those  
6 bombs, and you know that a bunch of emptied-out fireworks were  
7 found in the defendant's backpack that his friends removed from  
8 his dorm room and threw out that night.

9           There certainly is evidence that the bombs may have  
10 been built, at least in part, at 410 Norfolk Street, and it's  
11 true that Tamerlan lived there full-time in 2013, but the  
12 defendant stayed there on holidays and during the summer. He  
13 didn't have to spend a lot of time there to help build those  
14 bombs.

15           It's also true that Tamerlan's fingerprints were found  
16 on things all over his own apartment, but that's what you would  
17 expect from somebody who lived in an apartment full-time. And  
18 you wouldn't expect to see the same thing from somebody who was  
19 just there on holidays and on weekends.

20           Also, as you heard from the fingerprint expert, the  
21 presence of somebody's fingerprint on something means that they  
22 touched it, but the absence of somebody's fingerprint on  
23 something doesn't mean that they didn't touch it. It may just  
24 mean that they didn't have sweaty fingers when they touched it.

25           Or, more likely in this case, it could simply mean

1 that the defendant was wearing gloves when he touched these  
2 things. *Inspire* magazine specifically advises that you wear  
3 gloves when you are building bombs. And you wear gloves for a  
4 couple of reasons. One is not to leave fingerprints. One is  
5 because of all the messy powder that comes out of the fireworks  
6 before you put them in the bomb.

7 And you heard that surgical gloves with powder on them  
8 were found on the passenger side of Tamerlan Tsarnaev's CRV,  
9 his car, the place where the defendant would have sat if they  
10 were using that car to help build the bombs.

11 But more important, really, is how they used the  
12 bombs. They decided to explode the bombs on Boylston Street.  
13 The defendant had been there the year before. He knew how  
14 crowded it would be. He decided where to plant his own bomb.  
15 He chose the place where it would do the most damage.  
16 Ms. Clarke has suggested to you that when he walked up there,  
17 he planted it there because there was a tree. But as you could  
18 see from the video, he passed numerous trees on his way to that  
19 spot. It wasn't just that there was a tree. He was looking  
20 for the most crowded spot he could find, one where he would do  
21 the most damage.

22 And even if he didn't plant it there because there was  
23 a line of kids along the railing, you know for an absolute  
24 certainty that he was well aware that those children were  
25 there. He's staring straight at them in the picture you saw,



1 and he looks at them many, many times in the video you saw. He  
2 could, at any time, have picked up that knapsack and moved it  
3 somewhere else, but he didn't, because that wouldn't have fit  
4 in with the plan. The plan was to make this bombing as  
5 memorable as it could possibly be, and he succeeded.

6 He's the one who called Tamerlan Tsarnaev to give him  
7 the go-ahead. The defense struggled mightily in  
8 cross-examination of the witnesses to try to suggest to you  
9 that the 19-second phone call that's from the defendant to  
10 Tamerlan Tsarnaev isn't the call that took place right before  
11 the bombings, but you didn't hear Ms. Clarke talk about it in  
12 her closing argument because it's obvious that that's the call  
13 that took place right before the bombings.

14 You didn't hear about it because, again, it doesn't  
15 fit in with the narrative of the defendant just being the  
16 passive, go-along-to-get-along guy.

17 What you heard during the trial was a perfect example  
18 of trying to sidestep full responsibility for what the  
19 defendant did, but this one failed so clearly that it wasn't  
20 worth mentioning in closing argument, from their point of view.  
21 It's an inconvenient fact for them. It's something they don't  
22 want you to believe. And you should view all their other  
23 claims about the defendant's lack of involvement with the bombs  
24 with the same skepticism that you bring to that claim and some  
25 of these other claims.

1           The defense argues that Tamerlan is the one who chose  
2     the marathon as the site for the bombing. Where is the  
3     evidence of that? There's no evidence of that. The fact that  
4     he searched for it a few days ahead of time on the Internet  
5     doesn't tell you anything. He may have typed in the search on  
6     his computer, but you have no idea whose idea it was in the  
7     first place. There's no need to research the marathon if  
8     you've been there before, and Stephen Silva testified that his  
9     own twin brother and the defendant were at the marathon the  
10    year before. And you have no reason to doubt that he's telling  
11    you the truth. And he told you part of the reason he knew that  
12    was that the defendant told him he had been at the marathon.

13           Now, the defense has tried, again mightily, to  
14    convince you that he couldn't have been there because he  
15    tweeted several times during that day, and he didn't tweet that  
16    he was going to the marathon. If you were going down to the  
17    Boston Marathon to case it out for a possible bombing, would  
18    you tweet that? Of course not.

19           Once again, there's no evidence that Tamerlan Tsarnaev  
20    picked the marathon as the site of the bombing. But it's  
21    important for them that you think that because they don't want  
22    you to hold the defendant accountable for everything that he  
23    actually did in this case.

24           Ms. Clark argued that the defendant wasn't actually  
25    radicalized. So how deep did his jihadi beliefs go? What's

1 the actual evidence in the case about that? Well, he had  
2 terrorist writings and songs and lectures not just on his  
3 computer but on every electronic device he owned: his iPods,  
4 his thumb drives, the CD that he drove all the way back to  
5 Watertown to get before their trip to New York. He had been  
6 reading and listening to them for well over a year.

7 And you know that he had absorbed their teachings. He  
8 had absorbed them well enough to tweet them to others. He had  
9 absorbed them well enough to summarize them on the inside wall  
10 of that boat. When he wrote that message in the boat, he  
11 didn't have any books to crib from. He didn't have anyone  
12 whispering in his ear what to say. He wrote about them like  
13 somebody who had read and listened to and studied the material  
14 over and over and over again until he really had fully absorbed  
15 its lessons and was convinced of it. And you know that he had  
16 absorbed his lessons and was convinced of it because he  
17 believed in it enough to murder people. He believed in it  
18 enough to execute a police officer in cold blood. His actions  
19 speak louder than words.

20 Same thing about the defendant's tweets and his  
21 searches. What do they show you? They show you the defendant  
22 had two sides. Yes, he was a young man with a young man's  
23 interests and beliefs and habits. That's the side that he  
24 revealed to his friends. But he was also a true believer in  
25 violent extremism. That's the side that he kept mostly hidden.

1 The fact that he borrows quotes from songs that he's heard to  
2 express his beliefs doesn't mean he doesn't have those beliefs;  
3 just the opposite. He's just finding a creative way to express  
4 them.

5 And of course we didn't show you every single file on  
6 his computer. We didn't show you the thousands and thousands  
7 of files that -- operating system files or some random thing he  
8 might have downloaded from the Internet. We showed you the  
9 ones that are relevant to the charges in this case. The jihadi  
10 materials on his computer weren't any less convincing to him  
11 because they were outnumbered by other files on his computer,  
12 and you know that because he actually carried out the bombings  
13 that are recommended in those writings.

14 Ms. Clarke suggested to you that you shouldn't pay  
15 much attention to what the defendant wrote in the boat because  
16 of his state of mind. So what do you think was his state of  
17 mind when he wrote that message to the world? Well, think  
18 about it. Two days earlier, three days earlier, he had pulled  
19 off an extremely successful terrorist attack, an attack that  
20 received worldwide attention. After the attack, he had  
21 escaped. He had then been able to hide in plain sight until  
22 the time was right to attack again.

23 But by the time he snuck into that boat, things were  
24 different. He had been shot, and he was bleeding. He knew the  
25 police were looking for him. He knew it was just a matter of

1 time before they caught him, if he didn't die first. So he  
2 knew this could be his last chance to voice his true beliefs.  
3 He revealed his true self when there was no longer any reason  
4 to keep it a secret.

5 The whole point of committing a terrorist attack is to  
6 send a message, and the defendant wanted to send a message to  
7 America that Americans are destined to lose the fight against  
8 violent extremism. And he wanted to send a message to his  
9 fellow jihadis. He wanted to inspire them with his words and  
10 with his actions. You know that these words, the ones he wrote  
11 that night as he lay there in that boat, are his deepest and  
12 truest beliefs. He thought they were his final words. They  
13 are how he wanted to be remembered. They are the words that he  
14 thought would give meaning both to his life and to his death.

15 You know he was clear-headed and strong when he got  
16 into that boat. He was clear-headed enough to smash his cell  
17 phones first and to hide them. He was clear-headed enough to  
18 pick the boat as a hideout. He was strong enough to climb into  
19 it without a ladder, despite how high it was off the ground.  
20 He was strong enough to carve words into the planks of the boat  
21 that you saw.

22 The message he wrote on the wall of that boat is  
23 perfectly clear. It's grammatical. It doesn't wander. It  
24 makes sense. He probably wrote it as soon as he got in there.  
25 You can be confident that those words are his truest beliefs

1 because when he wrote them, he had no reason to tell anything  
2 other than the truth. But now that he's survived and he's on  
3 trial for his life, he has every reason to back away from the  
4 truth.

5 And you'll note in that message, he didn't write "we."  
6 He didn't say, "This is why we did this," or "This is why we  
7 did that." He said "I." It was a note about him, about who he  
8 was and what he had intended to accomplish and the message he  
9 wanted to send to the world and to be remembered by.

10 Ms. Clarke said that all the jihadi materials on the  
11 defendant's computer came from Tamerlan in January 2012 right  
12 before Tamerlan then left to take a six-month trip to Russia.  
13 Even if that's true, which I'll get back to, what does it show?  
14 It shows that the conspiracy dates back all the way to January  
15 2012. It shows that when Tamerlan decided to go to Russia for  
16 six months, the plot didn't go with him. It stayed home with  
17 the defendant.

18 As Dr. Levitt told you, many, many, many people read  
19 jihadi materials. They are easy to find. They're all over the  
20 Internet. Many are probably exposed to them by family members,  
21 by brothers, by sisters, by friends. Most people read the  
22 materials and reject them. Only a tiny, tiny number read them  
23 and become true believers, and only a tiny fraction of those  
24 true believers actually decide to kill people.

25 Tamerlan Tsarnaev didn't turn the defendant into a

1 murderer by giving him a bunch of magazines and then  
2 disappearing for six months. To shred the bodies of young  
3 women and children with a homemade bomb, you've got to be  
4 different from other people. And if you are the type of person  
5 who can adopt a philosophy of hate and commit multiple murders  
6 based on reading magazines and listening to lectures, does it  
7 really matter if you got them from your brother or from some  
8 other terrorist or from the Internet?

9 If you are capable of such hate, such callousness that  
10 you could murder and maim nearly 20 people and then drive to  
11 Whole Foods and buy milk, can you really blame it on your  
12 brother for giving you some propaganda to believe?

13 In any event, there's no actual evidence of where  
14 those materials came from originally. The defense's computer  
15 expert acknowledged that. All you know is that some of them  
16 were on many devices, including all of the defendant's  
17 electronic devices. Their origin remains obscure, but he read  
18 them and he believed them and he was one of those tiny few who  
19 decided to act on them.

20 When two people commit a crime together, it's always  
21 possible for one to point the finger at the other. Don't get  
22 distracted by that. The defendant and his brother were  
23 partners. Each acted on his own behalf and on the other's  
24 behalf. They are equally guilty, and that's why we ask you to  
25 return the only fair and just verdict in this case, which is a

1 guilty verdict on all 30 counts in the indictment.

2 Thank you.

3 \* \* \*

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5  
6 C E R T I F I C A T E

7  
8 I, Marcia G. Patrisso, RMR, CRR, Official Reporter of  
9 the United States District Court, do hereby certify that the  
10 foregoing transcript constitutes, to the best of my skill and  
11 ability, a true and accurate transcription of my stenotype  
12 notes taken in the matter of Criminal Action No. 13-10200-GAO,  
13 United States of America v. Dzhokhar A. Tsarnaev.

14  
15 /s/ Marcia G. Patrisso  
16 MARCIA G. PATRISSE, RMR, CRR  
17 Official Court Reporter

18 Date: 4/6/15  
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